

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated October 8, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-9 and 21-31 are pending in the Application.

In the Office Action, the amendment to the specification is objected to apparently because the amendment to the specification was not interpreted as intended. Applicants respectfully traverse this objection of the amendment to the specification, however in the interest of advancing consideration and allowance of the claims, the Applicants have elected to amend the specification to address the concerns raised by the Office Action. Accordingly, consideration and entrance to the amendment to the specification is respectfully requested.

In the Office Action, claims 1-9 and 21-31 are rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement and for allegedly failing to comply with the enablement requirement and under 35 U.S.C. §112, second paragraph.

The Office Action states that the "specification is silent regarding a 'user interfacer'". Claim 1 is amended herein to

correct the obvious typographic error such that the claim recites "user interface" as has existed in the claim from the time of filing the patent application, which was however, inadvertently amended.

The Office Action next states that "the specification is silent regarding the actuator being separate from the conductive elastomeric material." This position is traversed.

The specification states that (illustrative emphasis provided) "providing the interface 10 with an actuator 30 for cooperating with one or more conductive areas 20 of said interface 10. The actuator 30 can be permanently embedded into or integral with the conductive elastomeric textile 1 proximate the one or more conductive areas 20 of said interface. The actuator 30 and/or the interface 10 can also be attached to a surface 5 of the conductive elastomeric textile 1 via any suitable method known in the art, such as for example, knitting, embroidering, weaving or laminating." (See, present application, page 8, lines 5-11.)

It is respectfully submitted that since the present application states that the actuator may be embedded or attached to a surface of the conductive elastomeric textile, clearly the actuator is separate from the conductive elastomeric textile as readily appreciated by a person of ordinary skill in the art.

However, in the interest of advancing consideration and allowance of the claims, the Applicants have elected to amend claim 1 to state "said actuator is in contact with a surface of said conductive elastomeric material" as stated in the paragraph from the present application noted above. Accordingly, withdrawal of this rejection to claim 1 is respectfully requested.

The Office Action next states that "the specification is silent regarding a user interaction with an actuator being translated to an elastomeric material to produce a signal (said signal converted from an interaction with the conductive elastomeric material)." This position is traversed.

The specification states in the paragraph cited in the Office Action that (illustrative emphasis provided):

textile construction 1 is fashioned with an input device or interface 10 having one or more areas of conductive elastomeric material 20 suitable for converting a mechanical interaction or motion into a signal via the properties or characteristics of such material. The textile construction 1 preferably also has an actuator 30 cooperative with the one or more areas of conductive elastomeric material 20 to translate and/or communicate any interaction or user input to the conductive elastomeric material 20.

(See, present application, page 4, lines 3-9.)

It is respectfully submitted that since the present application makes clear that a mechanical interaction with the conductive elastomeric material is converted into the signal and

that the actuator translates any interaction or user input to the conductive elastomeric material, clearly the interaction with the actuator is translated to said conductive elastomeric material to produce said signal as previously cited in the claim. However, in the interest of advancing consideration and allowance of the claims, the Applicants have elected to amend claim 1 to state "interaction with the actuator does one of move and mechanically interact with said conductive elastomeric material to cause said conductive elastomeric material to produce said signal" as stated in the paragraph from the present application noted above. Accordingly, withdrawal of this rejection to claim 1 is respectfully requested.

The Office Action next states that "the specification is silent regarding the actuator being formed from a material that is more rigid than the conductive elastomeric material." This position is traversed.

The specification states that the (illustrative emphasis provided):

actuator 30 preferably cooperates with the one or more areas of conductive elastomeric material 20 to facilitate converting a motion or mechanical interaction into a signal for affecting and/or effecting an electronic operation/function. Preferably, the actuator 30 is formed from a relatively rigid material such as, for example, a plastic, a rubber, a combination of plastic and rubber, or any similar material suitable for fashioning the interface

10 of the present invention" (See, Present Application, page 6, line 20 through page 7, line 3.)

Accordingly, in contrast with the assertion of the Final Office Action, the Application is clear that the actuator is formed from a material that is relatively rigid as compared to the conductive elastomeric material. Accordingly, withdrawal of this rejection to claim 1 is respectfully requested.

Regarding claim 8, the specification is amended to state that which is clearly depicted in the figures, and which is recited in the claim as amended. Accordingly, withdrawal of this rejection to claim 8 is respectfully requested.

Regarding claim 24, the rejection of claim 24 is rendered moot by the amendment to claim 1. Accordingly, withdrawal of this rejection to claim 24 is respectfully requested.

It is respectfully submitted that with the explanations provided above, it is clear that the claims satisfy the written description requirement and are enabled by the application as filed in that the application as filed conveys to a person skilled in the art, how to make and use the present invention.

Further, it is respectfully submitted that the amendments to the claims and the explanations provided above overcome the rejections under 35 U.S.C. §112, second paragraph.

Accordingly, withdrawal of these rejections to claims 1-9 and

21-31 under 35 U.S.C. §112, first paragraph and under 35 U.S.C. §112, second paragraph, is respectfully requested.

In the Office Action, claims 1-9 and 21-27 are rejected are rejected under 35 U.S.C. §102(b) or in the alternative under 35 U.S.C. §103(a) over U.S. Patent No. 6,360,615 to Smela ("Smela"). Claims 1-3 and 5-9 and 21-27 are rejected are rejected under 35 U.S.C. §102(b) or in the alternative under 35 U.S.C. §103(a) over U.S. Patent Publication No. 2002/0075232 to Daum ("Daum"). Claims 1-9 and 21-27 are rejected are rejected under 35 U.S.C. §103(a) over U.S. Patent Publication No. 2001/0017759 to Marmaropoulos ("Marmaropoulos") in view of Smela. Claims 28-31 are rejected are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,346,649 to Karna ("Karna"). Claims 28-31 are rejected are rejected under 35 U.S.C. §103(a) over Marmaropoulos in view of Smela in view of Karna.

These rejections are respectfully traversed. It is respectfully submitted that claims 1-9 and 20-31 are allowable over Smela, Daum, Marmaropoulos and Karna alone and in any combination for at least the following reasons.

Smela shows a position/movement sensitive effect-emitting strain gauge that utilizes an elastically conductive fabric that changes properties as it is stretched and relaxed (see, Smela, Col.

4, lines 18-34). In an embodiment shown in FIG. 5 and described in Col. 11, line 62 through col. 12, line 6 that is cited in the Office Action, Smela describes that conventional fabric or plastic may be attached to the elastically conductive material for improved structural and mechanical properties. Smela is clear that these areas are "regions of the wearable device that do not generate a signal". Smela further states that additional structural components may be utilized as a housing. As is clear from a simple examination of Smela, Smela does not show an interface. Further, no where within the four corners of Smela is it disclosed or suggested that an actuator operates with the conductive elastomeric material such that a user interaction with the actuator does one of move and mechanically interact with said conductive elastomeric material to cause said conductive elastomeric material to produce the signal.

Daum shows a data glove formed of flexible textile material, a portion of which has inner and outer layers with a layer of sensors situated between the inner and outer textile layers (see, FIG. 1 and paragraphs [0009] and [0033]). As is clear from a review of Daum, no where within the four corners of Daum is it disclosed or suggested that an actuator operates with the conductive elastomeric material such that a user interaction with the actuator does one of

move and mechanically interact with said conductive elastomeric material to cause said conductive elastomeric material to produce the signal.

Marmaropoulos shows a garment having cords 22, 24 that are formed of a stretchable material having electrical resistance that varies with applied tension (see, FIGs. 1 and 4 and paragraph [0016]). The cords 22, 24 are connected mechanically to opposite ends of an insulating grip or bead 48. Marmaropoulos does not disclose or suggest an actuator operates with the conductive elastomeric material such that a user interaction with the actuator does one of move and mechanically interact with said conductive elastomeric material to cause said conductive elastomeric material to produce the signal and further does not disclose or suggest the actuator is formed from one or more of a plastic or rubber.

Karna is just cited to show that an electrically conductive plastic is known however, it is respectfully submitted that this has little to do with the claims as presented.

It is respectfully submitted that the textile construction of claim 1 is not anticipated or made obvious by the teachings of Smela, Daum, Marmaropoulos and Karna. For example, Smela, Daum, Marmaropoulos and Karna does not disclose or suggest, a textile construction that amongst other patentable elements, comprises

(illustrative emphasis added) "an actuator that operates with said conductive elastomeric material to provide a user interface such that a user interaction with the actuator does one of move and mechanically interact with said conductive elastomeric material to cause said conductive elastomeric material to produce said signal, wherein said actuator is in contact with a surface of said conductive elastomeric material and is formed from one or more of a plastic and rubber" as recited in claim 1.

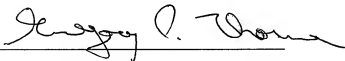
Based on the foregoing, the Applicants respectfully submit that independent claim 1 is patentable over Smela, Daum, Marmaropoulos and Karna alone and in any combination and notice to this effect is earnestly solicited. Claims 2-9 and 21-31 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to

submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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January 8, 2010

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